

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

ATHLETICS INVESTMENT GROUP LLC, D/B/A THE  
OAKLAND ATHLETICS BASEBALL COMPANY

Opposition No. 91165229

Opposer,

76212457

v.

THE BOARD OF TRUSTEES OF THE UNIVERSITY OF  
ALABAMA,

Applicant.

Trademark Trial and Appeal Board  
Commissioner of Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**REPORT REGARDING SETTLEMENT PROGRESS**

Opposer, Athletics Investment Group LLC, d/b/a the Oakland Athletics Baseball Company, and Applicant, The Board of Trustees of The University of Alabama, respond to the Board's order of January 2, 2008 requesting further details regarding the progress of the parties' efforts to settle this matter in support of their request for a further six (6) month suspension of all proceedings in the above-captioned opposition action filed on December 20, 2007. Counsel for the parties have been negotiating the terms of a settlement agreement that, once finalized, will resolve all issues in the above-referenced proceeding. The finalization of the settlement terms has taken considerable time and effort as it relates to several marks applied for and/or used by Applicant that include the letter "A" as well as marks that include stylized elephant designs. The parties have not reached final agreement on the issues, as the language of the agreement is still under negotiation. As a result, all issues remain subject to final resolution, and the parties cannot



01-10-2008

Opposition to Serial Nos. 76/212,457 and 76/976,853  
Opposition No. 91165229  
Docket No. 52933-24003.35

identify terms that have been finally resolved. The open issues include the specific guidelines, clarifications and limitations on the use of the disputed marks.

The parties' efforts to continue the discussion of the settlement were interrupted due to the unexpected illness and untimely death of Applicant's counsel's wife and his resulting extended absence from work. Since Applicant's counsel's return to work, counsel for the parties have resumed their discussions, having had extensive telephone conferences on August 16, 2007 September 4, 2007, October 17, 2007 and November 6, 2007 regarding the settlement.

Counsel for the parties are currently reviewing the issues and proposed terms resulting from these discussions with their respective clients and have scheduled a follow-up telephone conference for January 10, 2008, to further discuss the settlement terms.

The parties will work diligently on the further negotiations of any remaining open issues that are not resolved on the upcoming January 10, 2008 call, and hope to have the matter concluded before the close of the requested further suspension.

Counsel for Applicant, David Kera, consented to this request in written communication with the undersigned by electronic mail on December 20, 2007 and January 8, 2008.

This request is being submitted as required by TBMP 509.02. A copy of this document is being served on counsel for Applicant.

Dated: January 10, 2008

MORRISON & FOERSTER LLP

By: 

Rosemary S. Tarlton  
Attorney for the Club

Morrison & Foerster LLP  
425 Market Street  
San Francisco, CA 94105  
Telephone: (415) 268-6810

Opposition to Serial Nos. 76/212,457 and 76/976,853  
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## PROOF OF SERVICE BY MAIL

I am employed with the law firm of Morrison & Foerster LLP, whose address is 425 Market Street, San Francisco, California, 94105; I am not a party to the within cause; I am over the age of eighteen years and I am readily familiar with Morrison & Foerster's practice for collection and processing of correspondence for mailing with the United States Postal Service and know that in the ordinary course of Morrison & Foerster's business practice the document described below will be deposited with the United States Postal Service on the same date that it is placed at Morrison & Foerster with postage thereon fully prepaid for collection and mailing.

I further declare that on January 10, 2008, I served a copy of:

### REPORT REGARDING SETTLEMENT PROGRESS

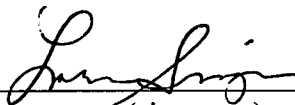
on the following by placing a true copy thereof enclosed in a sealed envelope addressed as follows for collection and mailing at Morrison & Foerster LLP, 425 Market Street, San Francisco, California, 94105, in accordance with Morrison & Foerster's ordinary business practices:

David J. Kera, Esq.  
Oblon, Spivak, McClelland, Maier & Neustadt,  
P.C.  
1940 Duke Street  
Alexandria, VA 22314-3454

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed at San Francisco, California, this 10th day of January, 2007.

\_\_\_\_\_  
Lorna Simpson  
(typed)

\_\_\_\_\_  
  
(signature)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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ATHLETICS INVESTMENT GROUP LLC, D/B/A  
THE OAKLAND ATHLETICS BASEBALL  
COMPANY

Opposition No.: 91165229

Opposer,

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THE BOARD OF TRUSTEES OF THE UNIVERSITY  
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-----X

**CERTIFICATE OF MAILING BY EXPRESS MAIL**

Trademark Trial and Appeal Board  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

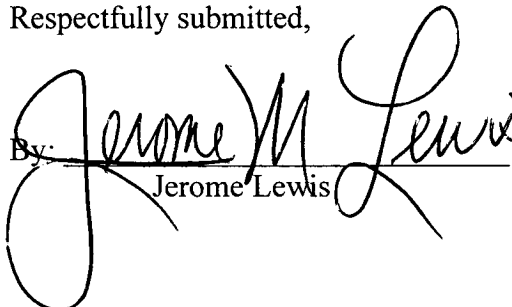
Dear Commissioner:

Express Mail Label No.: EV968742442US

Date of Deposit: January 10, 2008

I hereby certify that the attached Report Regarding Settlement Progress; Proof of Service by First Class Mail and receipt verification postcard are being deposited with the United States Postal Service Express Mail delivery as "Express Mail Post Office to Addressee" service under 37 C.F.R § 1.10 on the date indicated above, and is addressed to: Trademark Trial and Appeal Board, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Respectfully submitted,

By:   
Jerome Lewis